IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 11 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MITHIBEN DEVABHAI

Versus

VIRJIBHAI BHIMJIBHAI

Appearance:

1. Civil Revision Application No. 11 of 2000

NANAVATY ADVOCATES for Petitioners No. 1-3

MR JK PARMAR for Petitioners No. 1-3

MR GIRISH D BHATT for Respondents No. 1-2

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 24/10/2001

ORAL JUDGEMENT

The petitioners gave an application Ex.57 in Regular Civil Suit No.254 of 1989 in the Court of Civil

Judge (S.D.), Morbi, praying that Regular Civil Suit No.179 of 1997 and Special Civil Suit No.36 of 1996 pending in the same Court might be consolidated with the said Regular Civil Suit No.254 of 1989. The learned Judge has, however, dismissed the said application. The petitioner has, therefore, filed the present Revision Application under Section 115 of the Civil Procedure Code. The learned Counsel for the respondents submits that in the facts and circumstances of the case the respondents have no objection, if the suits are consolidated as prayed for. The impugned order is, therefore, set aside. The prayer made in the application Ex.57 is granted and Regular Civil Suit No.179 of 1997 and Special Civil Suit No.36 of 1996 are ordered to be consolidated with Regular Civil Suit No.254 of 1989. Rule made absolute accordingly. Direct service permitted.

24-10-2001 (M.C.Patel, J.)

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